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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,949

12/31/2003

David Soberanis

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08/13/2008

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EXAMINER

JACYNA, J CASIMER

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

08/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/749,949	Applicant(s) SOBERANIS ET AL.	
	Examiner J. Casimer Jacyna	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-20, 22-41 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) 17, 20, 25 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 4-16, 18, 19, 22-24, 26-41, 44, 45 and 47-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 17, 20, 25 and 46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/11/2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 4-16, 18, 19, 22-24, 26-41, 44, 45 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dougherty 5,293,893 in view of Goossens et al. 5,551,309. O'Dougherty discloses a chemical delivery system including a controller 28.1, a dual reservoir system 42.1, 42.2 with level sensors 75 that supplies chemicals to process equipment, a valved supply line 35.1, 16.2 that supplies chemical from the supply tanks 62-65 to the dual reservoirs 42.1, 42.2, substantially as claimed but does not disclose one of the dual reservoirs to be a buffer reservoir that can refill the other reservoir, nor the use of load cells. However, Goossens teaches another chemical delivery system with a dual reservoir system 50, 52 that also supply chemicals to process equipment 60-66 having a means for delivering 84 enabling one of the dual reservoirs to be used as a buffer reservoir as claimed with both reservoirs located on load cells 54, 56 that would provide the purpose of enabling one of the reservoir tanks to undergo maintenance, repair or be replaced while still operating the equipment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of O'Dougherty with a means for delivering and the use of load cells as, for example, taught by Goossens in order to enable one of the reservoir tanks to undergo maintenance, repair or be replaced while still operating

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the equipment and because one of ordinary skill in the art would recognize that the use of load cells is an art recognized equivalent to the level sensors disclosed in O'Dougherty that will function equally well in the O'Dougherty system. Additionally, one of ordinary skill in the art would have recognized the use of load cells 54, 56 and the means for delivering 84 in the chemical delivery system of Goossens to be pertinent and related to the chemical delivery system of O'Dougherty and would have considered the load cells and the means for delivering to be obvious structures to try in the O'Dougherty system that would have a high probability of success. In regard to claim 5, Goossens further teaches the use of valved supply lines connected to gas and vacuum sources 55, 80 with pressure controls P1, P2. In regard to claim 31, the plural separate supply tanks 62-65 comprise a means for receiving first and second chemicals since a user could supply separate chemicals, one from each tank, as claimed.

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Mon. thru Fri. 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/
Primary Examiner, Art Unit 3754